

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD AND SHARON BRANDT,

Defendants.

NO. CR07-0432RAJ

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture (Dkt. #105) with respect to the following assets:

- a. Three BK Precision 21.5 MHZ Multi-Function Arbitrary Wave Form Generators, Model 4070, serial numbers 36701010007, 36701010004, 36709000018;
- b. Two BK Precision Multi-Function Arbitrary Wave Form Generators, Model 3011B, serial numbers 147-15108 and 147-15107;
- c. One Electro-Acuscope, Model 70, serial number AP85P04305; and
- d. One Vibe Machine, Model JD, serial number 23.

1 On August 22, 2008, this Court entered a Preliminary Order of Forfeiture in the
2 above-captioned case forfeiting defendants DONALD and SHARON BRANDT's interest
3 in Three BK Precision 21.5 MHZ Multi-Function Arbitrary Wave Form Generators,
4 Model 4070, serial numbers 36701010007, 36701010004, 36709000018; Two BK
5 Precision Multi-Function Arbitrary Wave Form Generators, Model 3011B, serial numbers
6 147-15108 and 147-15107; One Electro-Acuscope, Model 70, serial number
7 AP85P04305; and One Vibe Machine, Model JD, serial number 23.

8 The above-referenced property was subject to forfeiture pursuant to Title 21,
9 United States Code, Section 334 and Title 28, United States Code, Section 2461(c), based
10 on DONALD and SHARON BRANDT's guilty pleas to Causing the Introduction into
11 Interstate Commerce of an Adulterated Medical Device, as charged in Count One of the
12 Information, in violation of Title 21, United States Code, Sections 331(a) and Title 18,
13 United States Code, Section 2, and their agreements to forfeit the property.

14 Pursuant to Title 21, United States Code, Section 853(n), the United States
15 published notice on an official internet government forfeiture website,
16 www.forfeiture.gov, starting on January 22, 2009 and running consecutively for thirty
17 days until its conclusion on February 20, 2009. In the publication, the United States
18 published notice of the Preliminary Order of Forfeiture and the intent of the United States
19 to dispose of the property in accordance with law. This notice further stated that any
20 person other than the defendant having or claiming an interest in the property was
21 required to file a petition with the Court within thirty (30) days of the final publication of
22 the notice or personal receipt of the notice, whichever was earlier, setting forth the nature
23 of the petitioner's right, title, and interest in the property.

24 Pursuant to Title 21, United States Code, Section 853(n), the United States
25 published notice in The Daily Journal of Commerce on March 11, March 18, and March
26 25, 2009. In the publication the United States published notice of the Preliminary Order
27 of Forfeiture and the intent of the United States to dispose of the property in accordance
28 with law. This notice further stated that any person other than the defendant having or

1 claiming an interest in the property was required to file a petition with the Court within
2 thirty (30) days of the final publication of the notice or personal receipt of the notice,
3 whichever was earlier, setting forth the nature of the petitioner's right, title, and interest
4 in the property.

5 All persons and entities believed to have an interest in the property subject to
6 forfeiture were given proper notice of the intended forfeiture.

7 No petitioners or claimants have come forth to assert an interest in the forfeited
8 property, and the time for doing so has expired.

9 Accordingly,

10 IT IS ORDERED, ADJUDGED and DECREED that the Government's Motion for
11 Entry of Final Order of Forfeiture (Dkt. #105) is GRANTED and the following property
12 is hereby fully and finally condemned and forfeited to the United States in its entirety:

- 13 a. Three BK Precision 21.5 MHZ Multi-Function Arbitrary Wave Form
14 Generators, Model 4070, serial numbers 36701010007, 36701010004,
15 36709000018;
- 16 b. Two BK Precision Multi-Function Arbitrary Wave Form Generators, Model
17 3011B, serial numbers 147-15108 and 147-15107;
- 18 c. One Electro-Acuscope, Model 70, serial number AP85P04305; and
- 19 d. One Vibe Machine, Model JD, serial number 23.

20 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or
21 interest in the above-described property shall exist in any other party.

22 The United States Marshals Service is authorized to dispose of the above-listed
23 property in accordance with the law.

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1 The Clerk of the Court is directed to send a copy of this Final Order of Forfeiture
2 to all counsel of record, three (3) "raised seal" certified copies to the United States
3 Marshals Service, in Seattle Washington.

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5 IT IS SO ORDERED.

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7 DATED this 22ND day of June, 2009.

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11 The Honorable Richard A. Jones
United States District Judge

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13 Presented by:

14
15
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